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10 SUZAN SIRAJELDINE

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA –WESTERN DIVISION**

11 <i>SEAN WHILDEN, an individual;</i>	)	Case No: 2:24-CV-2355
12 <i>Plaintiff,</i>	)	
13 <i>v.</i>	)	<b>NOTICE OF REMOVAL UNDER</b>
14 <i>SUZAN SIRAJELDINE, an individual;</i>	)	<b>28 U.S.C. §§ 1332(a) &amp; 1441(b)</b>
15 <i>and DOES 1 through 100, inclusive,</i>	)	Removed from the Superior Court of
16 <i>Defendants.</i>	)	California, County of Los Angeles,
	)	Case No. 23TRCV02485
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19 **TO THE CLERK OF THE UNITED STATES COURT FOR THE**  
20 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION:**

21 **PLEASE TAKE NOTICE** that Defendant SUZAN SIRAJELDINE  
22 (“Removing Defendant”), with a principal residence in Ontario, Canada, hereby  
23 removes civil action number 23TRCV02485 from the Superior Court of the State  
24 of California for the County of Los Angeles to the United States District Court for  
25 the Central District of California, Western Division, pursuant to 28 U.S.C. §§  
26 1332(a) and 1441(b). As shown below, this Court has diversity jurisdiction  
27 because Plaintiff SEAN WHILDEN (“Plaintiff”) is completely diverse from  
28 Defendant and the amount in controversy exceeds the \$75,000 minimum

1 threshold.

2 On March 21, 2024, Removing Party's counsel met and conferred with  
3 Plaintiffs' counsel regarding Removing Defendant's intention to remove the case  
4 to federal court and as of the date of this filing no response has been received.  
5 Decl. of Christopher Nissen ("Nissen Decl.") at ¶ 18, Exhibit 17.

6 In accordance with 28 U.S.C. § 1446(a), the Removing Defendant has  
7 attached true and correct copies of all process, pleadings and orders that are part  
8 of the state court file as of the date of this filing. *See* Exhibits 1-17 to Nissen  
9 Decl. at ¶¶ 2-18.

10 The grounds and the reasons for removal are described below:

# 11 **I. STATEMENT OF THE CASE**

12 Plaintiffs filed his Complaint for Damages ("Complaint") on August 1,  
13 202, in the Superior Court for Los Angeles, California, naming as Defendant  
14 SUZAN SIRAJELDINE, an individual, and DOES 1-100. *See* Exhibit 1 to Nissen  
15 Decl. at ¶2, Exh. 1.

16 According to the Complaint, "The acts alleged in this Complaint occurred  
17 on or around March 10, 2023, at approximately 2:30 p.m., when the vehicle  
18 driven by Defendant SEAN WHILDEN [SIC], was traveling northbound on  
19 Sepulveda Boulevard, in the city of Manhattan Beach, county of Los Angeles,  
20 state of California. While Plaintiff was traveling southbound on Sepulveda  
21 Boulevard, DEFENDANT made a negligent left turn onto 19th street and collided  
22 with Plaintiff's vehicle. This resulted in collision and caused the impact between  
23 the 2019 BMW X6 and Plaintiff, SEAN WHILDEN's 2018 Hyundai Elantra  
24 ("Subject Incident")." (*See* Exhibit 1 (Complaint at ¶6) to Nissen Decl. at ¶2.

25 On February 20, 2024, Defendant SUZAN SIRAJELDINE was served with  
26 the Summons and Complaint.

## II. TIMELINESS, JOINDER, AND VENUE

The Complaint is removable under 28 U.S.C. § 1332(d)(2). The Removing Defendant has satisfied all procedural requirements of 28 U.S.C. § 1446 and hereby remove this action to the United States District Court for the Central District of California, Western Division, pursuant to 28 U.S.C. §§ 1332 and 1446.

The Complaint was filed in the Superior Court for Los Angeles County, California on August 1, 2023. *Id.*, Exhibit 1 at ¶2. On or about February 20, 2024, Defendant was served with the Summons and Complaint.

This Notice of Removal is timely pursuant to 28 U.S.C. § 1446 because it is filed within 30 days of Defendant's receipt of the Complaint. *See* 28 U.S.C. § 1446(b)(2)(B) ("Each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons described in paragraph (1) to file the notice of removal"); *see also* *Murphy Bros. v. Michetti Pipe Stringing*, 526 U.S. 344, 347-348 (1999) (removal is timely if filed within 30 days of formal service of summons and complaint); *Quality Loan Serv. Corp. v. 24702 Pallas Way*, 635 F.3d 1128, 1133 (9th Cir. 2011) (same); *Lewis v. City of Fresno*, 627 F.Supp.2d 1179 (E.D. Cal. 2008) (the last-served rule states that the last-served defendant is allowed a full 30 days after being served to remove).

Removing Party is NOT a citizen of the State in which this action is brought, and thus removal is proper under 28 U.S.C. § 1441(b)(2). *Dechow v. Gilead Scis., Inc.*, 358 F. Supp. 3d 1051, 1054-55 (C.D. Cal. 2019) ("[T]he Court adopts the plain language interpretation of § 1441(b)(2), which requires a party to be properly joined *and* served before the forum defendant rule may limit the Court's jurisdiction." (emphasis in original)); *Jacob v. Mentor Worldwide LLC*, 393 F. Supp. 3d 912, 921 (C.D. Cal. 2019) (remand denied where California holding company was not a participant in producing or supplying allegedly defective product and was thus a fraudulently joined defendant).

1  
2 The United States District Court for the Central District of California,  
3 Western Division, is the judicial district within which the state court action is  
4 pending and in which the events or omissions giving rise to the claim occurred’  
5 *See* 28 U.S.C. §§ 1446(a) and 28 U.S.C. § 84(c).

6 Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being  
7 filed with the Superior Court of California, County of Los Angeles, and will be  
8 served on all adverse parties.

### 9 **III. BASIS FOR REMOVAL JURISDICTION.**

10 Subject matter jurisdiction rests with the federal courts in this action on the  
11 basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332. The District Court  
12 has original jurisdiction over this action under 28 U.S.C. § 1332 and the  
13 Removing Defendants may remove the action pursuant to 28 U.S.C. § 1441, as  
14 follows:

#### 15 **A. Diversity Jurisdiction is Satisfied**

16 As alleged in the Complaint and based on investigation, Plaintiff SEAN  
17 WHILDEN, is a permanent resident citizen and domiciles in the State of  
18 California. *See* Nissen Decl., Exhibit 1 (Complaint at ¶ 1) at ¶2.

19 Defendant SIRAJELDINE, Removing Party, is an individual citizen of  
20 Canada and resident of the Ontario, Canada.

#### 21 **B. Amount in Controversy is Facially Apparent**

22 It is facially apparent in Plaintiffs’ Complaint that the amount in  
23 controversy is in excess of \$75,000.00 as follows:

24 Plaintiff’s Complaint alleges “as a direct and legal result of the Defendants’  
25 breach of duty owed to PLAINTIFF and others, PLAINTIFF sustained serious  
26 injuries and harm. As a consequence, thereof, PLAINTIFF has incurred, and will  
27 in the future incur, medical expenses in an amount to be determined by the trier of  
28 fact, special damages, and general damages in an amount to be determined by the

1 trier of fact.” Exhibit 1 at ¶12 to Nissen Decl. at ¶2.

2  
3 Plaintiffs’ claims of damages for severe injuries and past and future pain  
4 and sufferer are sufficient to establish that the amount in controversy exceeds  
5 \$75,000 on the face of the Complaint. *See Hammerland v. C.R. Bard, Inc.*, No.  
6 2:15-cv-05506-SVW-JEM, 2015 U.S. Dist. LEXIS 134962, 2015 WL 5826780  
7 (C.D. Cal. Oct. 2, 2015) (“In cases involving severe injuries, especially those  
8 requiring surgery, courts have found it facially apparent from the complaint that  
9 the amount in controversy was satisfied.”).

10 Further, Responding Party understands that the Sweet James law firm  
11 representing Plaintiff filed a statement of damages alleging \$500,000 in damages.

12 Plaintiff’s statement of damages contains no indication that it fails to  
13 reflect Plaintiff’s honest assessment of his alleged damages. Thus, Plaintiffs’  
14 statement of damages appears to constitute a reasonable estimate of the amount in  
15 controversy. *See, e.g., Rile v. STRS Ohio CA Real Estate Inv. I, LLC*, No. 09-  
16 05634 CW, 2010 WL 183965 at \*2-3 (N.D. Cal. May 3, 2010) (finding that the  
17 removing party had satisfied the amount-in-controversy requirement based on a  
18 showing that the plaintiff made a pre-removal settlement offer of \$75,000, since  
19 that demand constituted “strong evidence that [the plaintiff] consider[ed] the case  
20 to be worth more than this amount”).

21 As such, while Removing Defendant denies liability as to Plaintiff’s  
22 claims, it is “more likely than not” that the amount in controversy exceeds  
23 \$75,000, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a).  
24 account general damages, property damage, or past and future loss of earnings.

25 Moreover, Removing Defendant is only required to provide “a short and  
26 plain statement of the grounds for removal.” 28 U.S.C. § 1446(a). Because  
27 Plaintiff’s Complaint does not demand a specific amount of damages and indeed  
28 California practice does not permit them to demand a certain sum, *see CAL.*

CODE CIV. PROC. § 425.10; under Cal. Civ. Proc. Code § 425.10(b) (“ . . . [W]here an action is brought to recover actual or punitive damages for personal injury or wrongful death, the amount demanded shall not be stated . . . .”), the Removing Defendant is entitled to plausibly “assert the amount in controversy” under 28 U.S.C. § 1446(c)(2) and need not offer any supporting evidence. *See Dart Cherokee Basin Operating Co. v. Owens*, 135 S. Ct. 547, 554 (U.S. 2014) (“[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold. Evidence establishing the amount is required by § 1446 (c)(2) (B) only when the plaintiff contests, or the court questions, the defendants allegation.”).

Based on the policy limits demand noting claimed past and future medical specials, and the allegations of severe, permanent, and degenerative disabilities and injuries set forth in the Complaint, it is inconceivable that the amount in controversy is less than the \$75,000 jurisdictional threshold.

#### IV. CONCLUSION

WHEREFORE, Removing Defendant SUZAN SIRAJELDINE prays that this action be removed from Los Angeles County Superior Court to the United States District Court for the Central District of California, Western Division. Removing Defendant respectfully demands a jury trial.

Dated: March 21, 2024

Respectfully submitted,

By: /s/ Christopher D. Nissen  
 Christopher D. Nissen, Esq.  
 Attorneys for Defendant SUZAN  
 SIRAJELDINE